

**Carlos Hernández**  
Mayor

**Luis Gonzalez**  
Council President

**Katharine E. Cue-Fuente**  
Council Vice President



Council Members  
**Jose F. Caragol**  
**Vivian Casáls-Muñoz**  
**Isis Garcia-Martinez**  
**Paul B. Hernández**  
**Lourdes Lozano**

## City Council Minutes/Summary Agenda May 23, 2017 7:00 P.M.

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Call to Order - **Council President Gonzalez called the meeting to order at 7:41 p.m.**

Roll Call - **City Clerk, Marbelys Fatjo, called the roll with the following Council Members present:**

- Councilman Caragol
- Council Vice President Katharine Cue-Fuente
- Councilwoman Vivian Casáls-Muñoz
- Councilman Paul Hernandez
- Councilwoman Lourdes Lozano
- Councilwoman Isis Garcia-Martinez
- Council President Luis Gonzalez

**Also present were:**

- Mayor Carlos Hernandez
- Lorena Bravo, City Attorney

Invocation - **The invocation was led by Marbelys Fatjo, City Clerk**

Pledge of Allegiance - **The Pledge of Allegiance was led by Councilman Caragol.**

### **Meeting Guidelines**

The following guidelines have been established by the City Council:

➤ **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**

- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.

- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

**REPORT: The meeting guidelines were read into the record by the City Clerk in English, and by Lisette Perez, Administrative Aide, Office of the City Clerk, in Spanish.**

**Presentations –**

- Mayor Hernandez and the City Council recognize Thalia Rodriguez, City of Hialeah Fire Cadet, for her courageous actions on May 7, 2017 when she was first at the scene of an accident involving Ricky Carter, Major with the Miami-Dade Police Department. (FIRE DEPT.) **PRESENTED**

**REPORT: Patrick Flynn, Interim Fire Chief, presented Thalia Rodriguez with an award.**

**REPORT: Thalia Rodriguez spoke.**

**REPORT: Councilwoman Casáls-Muñoz commented.**

- Mayor Hernandez and the City Council recognize the following students of the Hialeah Educational Academy for their achievements on the mock trial team, as well as for being pioneers in the law academy: (MAYOR HERNANDEZ) **PRESENTED**

1. Kristy Batista
2. Miguel Bauta
3. Maria Suarez
4. Monique Toledo
5. Gabriela Aday-Acevedo
6. Alain Bueno
7. Joshua Castro - **PRESENTED**
8. Thalia Delatejera - **PRESENTED**
9. Kaelyn Diaz
10. Ojanis Diaz
11. Jael Duenas
12. Ashley Gillot - **PRESENTED**
13. Faith Hernandez
14. Karla Leganoa
15. Hassan Machado
16. Christian Martinez - **PRESENTED**
17. Karla Oliva
18. Kevin Tejera-Silva
19. Patricia Tielves

1. Announcement of Amendments/Corrections to the Agenda.

- **Items J has been withdrawn from today's agenda.**
- **Item K has been added to today's agenda.**
- **The backup and resolution to Items D and E has been updated and placed on the dais for your review.**
- **The property location of Item PZ 4 has been corrected.**

## 2. Consent Agenda-

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

**REPORT: Motion to Approve the Consent Agenda, made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Casáls-Muñoz not present during roll call.**

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on May 9, 2017. (OFFICE OF THE CITY CLERK) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call.**
- B. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order number 2017-193, issued to Sun Belt Hydraulic & Equipment, Inc., d/b/a Sunbelt Waste Equipment, to obtain recycle truck parts and service for City trucks, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET DEPT.) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call.**
- C. Request permission to increase purchase order number 2017-1369, issued to Bryant Miller Olive P.A., retained to assist the City in negotiating successor agreements with each of our employee unions under the Public Employment Relations Act, for professional services for each employee union at impasse which will generally require preparation and presentation of the City's proposed contract changes at a hearing before a special magistrate, the preparation and filing of post-hearing briefs, objections to the magistrate's order, if any, and presentations before the City Council, if the impasse is not resolved earlier, by an additional amount of \$60,000, for a new total cumulative amount not to exceed \$67,500. Further request permission to increase purchase order number 2017-1040, issued to Lewis, Longman & Walker, P.A., also retained to assist the City in negotiating successor agreements with each of our employee unions under the Public Employment Relations Act, for professional services for each employee union at impasse, by an additional amount of \$35,000, for a new total cumulative amount not to exceed \$45,000. (LAW DEPT.) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call.**
- D. Proposed resolution ratifying and approving supplemental appropriations to the annual budget for fiscal year 2016-2017 and in particular, revising the budget to supplement

revenues within the designated Special Revenue Funds, as summarized and itemized in the schedule attached as Exhibit “1A”. (OFFICE OF MANAGEMENT & BUDGET) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call. RESOLUTION NO. 2017-048.**

- E. Proposed resolution authorizing the transfer of unencumbered appropriation balance or a portion thereof, between classifications of expenditures within an office or department in the General Fund, and in the designated Special Revenue Funds, Capital Funds, and Enterprise Funds, as summarized and itemized in the schedule attached as Exhibit “1B”. (OFFICE OF MANAGEMENT & BUDGET) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call. RESOLUTION NO. 2017-049.**
- F. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Guaranteed Fence, Corp., vendor providing the lowest quotation, for the replacement of the guardrail located on West 66 Street frontage road, in a total cumulative amount not to exceed \$8,995.00. (STREETS DEPT.) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call.**
- G. Proposed resolution accepting the grant award from the Miami-Dade County Department of Cultural Affairs under the Targeted Initiatives Grants Program in the amount of \$30,000, for fiscal year 2016-2017 to support the City’s July 4<sup>th</sup> Celebration and Hispanic Heritage Month Series Events; and further authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a grant award agreement commencing on October 1, 2016 and ending on September 30, 2017, in furtherance thereof; and providing for an effective date. (EDUCATION AND COMMUNITY SERVICES DEPT.) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call . RESOLUTION NO. 2017-050.**
- H. Report of Scrivener’s Error – Item S of the City Council Meeting of October 25, 2016 was approved with the incorrect fiscal year. The item has been amended to reflect that the expenditure amount of \$20,000 is for fiscal year 2016-2017. (PARKS AND RECREATION DEPT.) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call.**
- I. Request permission for approval of a deposit for the design and relocation of Florida Power & Light poles, which is necessary for the construction of Northwest 97<sup>th</sup> Avenue from Northwest 154<sup>th</sup> Street to 170<sup>th</sup> Street, in a total cumulative amount not to exceed \$125,000. On October 11, 2016 the City Council approved a Joint Participation Agreement between Miami-Dade County and the City of Hialeah for improvements of Northwest 97<sup>th</sup> Avenue from Northwest 154<sup>th</sup> Street to Northwest 170<sup>th</sup> Street, and on February 1, 2017 the City of Hialeah entered into said agreement. (STREETS DEPT.) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call.**
- J. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a Pole Attachment Agreement with T-Mobile South LLC, a copy of which is attached to this resolution, for five years, commencing on the date signed by the Mayor, with an option to renew for four successive five year terms, for T-Mobile’s use of the City’s light poles located in the public rights-of-way for placement of wireless antennas and associated equipment; and providing for an effective date. (LAW DEPT.) **WITHDRAWN**

- K. Report of Scrivener's Error – Resolution No. 2017-41, passed and adopted by the City Council on May 9, 2017, was approved with the incorrect fire station number at which Hialeah Housing Authority employees can pump gas. The portion of the resolution that refers to fire station no. 7 is being corrected to reflect *fire station no. 1*. (LAW DEPT.) APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call.**

**3. Board Appointments –**

- a. Proposed resolution appointing **Michael Rosengaus** to the Board of Trustees of the Employees General Retirement System as the Police Benevolent Association (“PBA”) appointment for the remainder of a two (2)-year term ending on December 31, 2018. (POLICE BENEVOLENT ASSOCIATION) APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call. RESOLUTION NO. 2017-051.

**REPORT: Motion to Approve Item 3a made by Council Vice President Cue-Fuente, and seconded by Councilwoman Garcia-Martinez. Motion passed 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call.**

**4. Unfinished Business - NONE**

**5. New Business - NONE**

**6. Comments and Questions –**

- **Councilwoman Lozano said thank you for the plaque of “In God We Trust” placed in the Council Chambers.**

**Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.**

**Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.**

**REPORT: All were duly sworn in.**

**ZONING**

- PZ 1. Second reading and public hearing of proposed ordinance granting a variance permit to allow a frontage of 50 feet, where 75 feet are required; and to allow a total lot area of 6,750 square feet, where 7,500 feet are required; contra to Hialeah Code of Ordinances § 98-348(a); property zoned R-3-D (Multi Family District) to construct two duplex buildings (four units) on a substandard lot; **property located at 312 East 6<sup>th</sup> Street, Hialeah, Florida**; repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: 312 E 6<sup>th</sup> Street, LLC) APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call. ORDINANCE NO. 2017-030.**

*Item was approved by the City Council on first reading on May 9, 2017. Second reading and*

<i>public hearing was scheduled for May 23, 2017.</i>
<i>Item was approved by the Planning and Zoning Board on April 26, 2017.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: 312 E. 6<sup>th</sup> Street, LLC, Carlos M. Perez, Manager, 9420 SW. 112 Street, Miami, FL 33176.</i>

**REPORT: Motion to Approve the Item PZ1, made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Casáls-Muñoz not present during roll call.**

- PZ 2.** Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) to allow the expansion of the Neighborhood Business Overlay District regulations pursuant to Hialeah Code of Ordinances § 98-1630.8; and granting a variance permit to allow 359 parking spaces where 392 are required; waive building mass, frontage, and setback requirements; and allow a temporary waiver of plat; contra to Hialeah Code of Ordinances §§ 10-4(c), 98-1630.3(c)(d) and (e); and 98-2189(16)(a); property zoned R-3-5 (Multi Family District); **property located at 7925-7927-7929-7931-7933 West 2 Court, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Alejandro J. Arias, Esq., on behalf of Amelia Hialeah Holdings, LLC*) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call. ORDINANCE NO. 2017-031.**

<i>Item was approved by the City Council on first reading on May 9, 2017. Second reading and public hearing was scheduled for May 23, 2017.</i>
<i>Declaration of Restrictions proffered by the applicant has been made a part of the record.</i>
<i>Item was approved by the Planning and Zoning Board on April 26, 2017.</i>
<i>Planner's Recommendation: Approval</i>
<i>Owner of the Property: Amelia Hialeah Holdings, LLC., 16400 NW 59 Avenue, Miami, FL. 33014.</i>

**REPORT: Motion to Approve the Item PZ 2, made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Casáls-Muñoz not present during roll call.**

- PZ 3.** Second reading and public hearing of proposed ordinance repealing and rescinding Hialeah, Fla. Ordinance No. 2009-91 (adopted November 10, 2009), releasing the Declaration of Restrictions recorded in the public records of Miami-Dade County, Florida at Book 27099, Pages 2787-2795; granting a Conditional Use Permit (CUP) to allow 10 short-term occupancy living units used by the clergy affiliated with the church pursuant to Hialeah Code of Ordinances § 98-181; and granting a variance permit to allow a pervious area of 17% where 20% is required; allow 27 parking spaces where 291 spaces are required contra to Hialeah Code of Ordinances §§ 98-

882(2)(a), 98-2189(4)(i); property zoned CR (Commercial Residential District). **Property located at 500 Palm Avenue, a/k/a 47 West 5<sup>th</sup> Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: The Universal Church Corp.*) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present during roll call. ORDINANCE NO. 2017-032.**

*Item was approved by the City Council on first reading on May 9, 2017. Second reading and public hearing was scheduled for May 23, 2017.*

*Item was approved by the Planning and Zoning Board on April 26, 2017.*

*Planner's Recommendation: Approval as recommended.*

*Owner of the Property: The Universal Church, Corp., 27 Walnut Street, Newark, NJ 07105.*

**REPORT: Motion to Approve the Item PZ 3, made by Councilwoman Garcia-Martinez, and seconded by Councilman Caragol. Motion passed (6-0-1) with Councilwoman Casáls-Muñoz not present during roll call.**

**PZ 4.** Second reading and public hearing of proposed ordinance approving a final plat of Countyline Corporate Park; accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property bounded by and directly adjacent thereto, on the north by theoretical N.W. 162 Street, on the south by N.W. 154 Street, on the east by N.W. 97 Avenue, and on the west by N.W. 107 Avenue, Hialeah, Florida.** (*Applicant: Countyline I LLC*) **APPROVED 6-0-1 with Councilwoman Casáls-Muñoz not present. ORDINANCE NO. 2017-033.**

*Item was approved by the City Council on first reading on May 9, 2017. Second reading and public hearing was scheduled for May 23, 2017.*

*Item was approved by the Planning and Zoning Board on April 26, 2017.*

*Planner's Recommendation: Approval*

*Owner of the Property: Countyline I, LLC., 2855 South Lejeune Road, 4<sup>th</sup> Floor, Coral Gables, FL 33134.*

**REPORT: Motion to Approve the Item PZ 4, made by Councilwoman Garcia-Martinez, and seconded by Council Vice President Cue-Fuente. Motion passed (6-0-1) with Councilwoman Casáls-Muñoz not present.**

**PZ.5** First reading of proposed ordinance granting a variance permit to allow one led reader board pylon sign on property located outside the LED geographic area; allow a maximum area of 200 square feet where 120 feet are allowed; allow a proposed height of 36 feet where a maximum of 20 feet are allowed; contra to Hialeah Code of Ordinances §§ 7-12(b), 7-12(g)(2)(b) and (c);

property zoned C-3 (Liberal Retail Commercial). **Property located at 1990 West 84<sup>th</sup> Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (Applicant: Vizcaino Lucas Investments Inc.) **APPROVED 7-0**

*Item was postponed by the City Council on May 9, 2017 until May 23, 2017.*

*Item was approved by the Planning and Zoning Board on April 26, 2017.*

*Planner's Recommendation: Approve variance to allow an LED reader board pylon sign on property located outside the LED geographic area; allow a maximum sign area of 200 square feet and allow a total maximum height of 36 feet.*

*Owner of the Property: Idalmis Vizcaino, 10960 SW 36 Street, Miami, FL. 33165.*

**REPORT: Rolando Ortega, 773 Hunting Lodge Drive, Miami Springs, FL, addressed the Council on this item.**

**REPORT: Arturo Viscaino, Owner of Saul Signs, 10960 SW 36 St. Miami, FL., addressed the Council on this item.**

**REPORT: Motion to Approve the Item PZ 5, made by Councilwoman Garcia-Martinez, and seconded by Councilman Caragol. Motion passed 7-0. Second reading and public hearing is scheduled for June 13, 2017.**

**PZ 6.** First reading of proposed ordinance approving a final plat of Aquabella Section One; accepting all dedication of avenues or other public ways, together with all existing and future planting of trees; repealing all ordinances or parts of ordinances in conflict herewith; providing for a severability clause; and providing for an effective date. **Property bounded by and directly adjacent thereto, on the north by theoretical N.W. 162<sup>nd</sup> Street, on the south by N.W. 154<sup>th</sup> Street, on the East by State Road #93/I-75 extension, and on the west by N.W. 97<sup>th</sup> Avenue, Hialeah, Florida.** (Applicant: Two Lakes Lennar, LLC) **APPROVED 7-0**

*Item was approved by the Planning and Zoning Board on May 10, 2017.*

*Owner of the Property: Two Lakes Lennar, LLC, 730 NW 107<sup>th</sup> Avenue, 4<sup>th</sup> Floor, Miami, Florida 33172*

**REPORT: Motion to Approve the Item PZ 6, made by Councilwoman Garcia-Martinez, and seconded by Councilman Hernandez. Motion passed 7-0. Second reading and public hearing is scheduled for June 13, 2017.**

**NEXT CITY COUNCIL MEETING: Tuesday, June 13, 2017 at 7:00 P.M.**

**NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 22, 2017 at 6:30 p.m.**

**REPORT: The meeting was adjourned by Council President Gonzalez at 8:26 p.m.**

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3<sup>rd</sup> Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).